

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

**Applicant:** SCHWASS

**Application Serial Number:** 10/581,730

**Filing Date:** 06-06-2006

**Title:** Material Discharge Apparatus and Method

**Examiner:** Andrew Philip Bainbridge

**Art Unit:** 3754

**Confirmation number:** 8700

Date: November 24, 2009

**Mail Stop:** Response to non-final Office Action.

Honorable Commissioner for Patents  
P.O. Box 1450 Alexandria, VA 22313-1450

**Amendment (37 CFR 1.111)**

**(IN RESPONSE TO THE NON-FINAL OFFICE ACTION MAILED JULY 24, 2009)**

This paper and amendments are responsive to the Non-Final Office action mailed July 24, 2009 which sets a shortened statutory period for response of 3 months with a due date of on or before October 24, 2009. This response includes a Request for Extension of Time, under 37 C.F.R 1.136(a) for one (1) month. Thus, this response would be timely filed on or before the extended due date of November 24, 2009. The response is being timely filed on or before November 24, 2009.

Reconsideration and withdrawal of all grounds of objection and rejection, in view of the remarks and amended claims submitted herein, is respectfully requested. In view of the amendments which follow, applicant would say that all of the now pending claims fall within the scope of the invention as defined by Group 1 as defined by the Examiner.

At the time of the office action, claims 20-32, 34, and 35 were pending. The Examiner withdrew from consideration claims 25-27, 30-32 and 34. The Examiner has presented rejections as to claims 20-22, 24 and 28 and 35 and has objected to claims 23 and 29. By amendments which follow, applicant has amended claims 20, 23, and 29 to more clearly point out and distinctly claim the invention. Claims 22, 25-27, 30-32 and 34 have been canceled. However, applicant reserves the right to file one or more divisional

applications to the non-elected subject matter.

**Amendment to the claims** are reflected in the listing of the claims which begins on page 3 of this paper.

**Remarks** begin on page 6 of this paper.